

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 6, 1873. }

Hon. E. B. Pickett, President of the Senate of the State of Texas:

SIR: I have to return to the Senate, where it originated, the act entitled "An act conferring the right of suffrage upon such foreign born residents as may have

heretofore declared, or may hereafter declare their intention to become citizens before the clerks of the district courts of the several counties in vacation."

I think that on reflection it will be apparent that the purpose of this act, even if expedient, is beyond the limit of the legislative powers. In the very title it assumes to "confer" the right of suffrage, a right which the Constitution of the State confers and which that instrument nowhere permits the Legislature to add to or take from. Under the Constitution, if persons who have declared, or may hereafter declare, before a district clerk, their intention to become citizens, are thereupon entitled to register and vote, this act can in no way strengthen that right; and on the other hand, if by the Constitution they do not have such right, the Legislature cannot give it. Further, this act, if viewed merely as a legislative construction, is, at the best, a nullity, because for the construction or definition of rights dependent on the Constitution, we must alone look to the judiciary.

Beyond the objection stated, the act also seems to conflict with the spirit and letter of all the recent laws of the United States. Congress passed to prevent fraudulent acquisition of naturalization papers, for the purpose of voting. In this regard I more particularly ask the houses to refer to sections three and four of the act of Congress of July 14, 1870, and section twenty-nine of the act of June 7, 1872. The latter act even excludes seamen who have served three years in the mercantile navy, unless their declaration of intention is made in open court.

But, if the Legislature had power, would it, as a question of expediency, be advisable to pass this act? No record is to be kept by the clerk of his proceedings. He may even travel through the country distributing this privilege to his friends. Some strange doings of that sort have been reported. On the Rio Grande, where the facilities of crossing the line are easy, half the males living near our border in Mexico might "declare their intention," and thereon exercise the privilege of voting in Texas with impunity. In fact, just previous to the recent election, as I am informed, the clerk of one of the Rio Grande counties (Webb) received in vacation the declarations of some two hundred persons, and they voted at that election. By this time probably most of them have returned to Mexico.

It is certainly liberal enough to allow strangers the

highest privileges of freemen after one year's residence, and it is no hardship to require him to present himself in open court, there, with some little solemnity, to make his declaration before the officers of the court and spectators, and have a due record made of the act. If he feels too little interest in the matter to put himself to that trouble, it is not likely that he will be a desirable acquisition to the voting class.

Very respectfully,

EDMUND J. DAVIS, Governor.

Senator Tendick moved that the message be referred to a select committee. The motion was adopted, and the President appointed the following committee, viz: Senators Tendick, Finlay and Henry.